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|-----------------|-------------|----------------------|---------------------|------------------|
| 10/614,074      | 07/07/2003  | Ronald R. Bartman    | 1005 - U.S.         | 6371             |

7590 03/24/2005  
James G. Staples  
586 Ingleside Park  
Evanston, IL 60201

EXAMINER

GREEN, CHRISTY MARIE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3635

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,074

Applicant(s)

BARTMAN ET AL.

Examiner

Christy M Green

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: attached figures.

### **DETAILED ACTION**

This is a first office action for serial number 10/614074, entitled Vandal Proof System for Securing Stone Products to Supporting Structure, filed on July 7, 2003.

#### ***Claim Objections***

Claim 18 is objected to because of the following informalities: It has been held that to be entitled to weight in method claims, the recited structural limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "that portion" in line [39]. There is insufficient antecedent basis for this limitation in the claim. Since this portion, whatever it is, was not previously stated within this claim it therefore lacks antecedent basis.

In regards to claim 5, the claim states, " the only visible portion of the visible facing object is an access hole in the faceplate." This is unclear, since a hole is not the only visible portion of the faceplate.

In regards to claim 8, line [57] states, "the access hole" it is unclear as to which hole the applicant is referring to.

Claim 8 recites the limitation "the interior hidden surface" in line [53]. There is insufficient antecedent basis for this limitation in the claim. Since this surface was not previously stated within this claim it therefore lacks antecedent basis.

Regarding claim 12, the phrase "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention or not.

Clarification should be made or correction to the claims above, until then the examiner will interpret the claim accordingly.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 4 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Eickhof, US Patent # 5,802,781.

Eickhof discloses the claimed invention a system (figure 2) including a supporting structure (18), a visible facing object (24) of stone or similar tangible material (column 3, lines 36-37), and fastening means (30) for securing the visible facing object to the supporting structure (column 3, lines 12-13), the fastening means (30) being indistinguishable from the area surrounding the fastening means from a very short distance away (see figures 1 and 2), the fastening means (30) further being virtually vandal proof (by 50); that portion of the fastening means (50) which is visible only within

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a very short distance away is activateable only by a non-standard tool means (interpreted as a wrench – column 3, lines 28-31 – standard interpreted by examiner as a screwdriver); no portion of the fastening means (30) extends outwardly from the exterior surface of the visible facing object (see attached figure 1); the fastening means (30) can secure the visible facing (24) object to the supporting structure (18) one or more times with a tight securement (by 50 – column 3, lines 29-31); fastening means (30) for securing an object of stone (24) to supporting structure (18), the fastening means (30), when installed and activated being distinguishable to the eye from a point of a few feet away from the object (see figure 1); the fastening means (30) is located inwardly from the edge and corners of the object (shown at 38); a method of assembling, disassembling and re-assembling an object of stone or similar frangible material to a supporting structure comprising the steps of providing a fastening means (30), securing the object (24) to the supporting structure (18) by operation of a tool (interpreted to be a wrench – column 3, lines 28-31).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eickhof.

Eickhof discloses the claimed invention as stated above in claim 1, including a visible portion (at 20) of the visible object, the fastening means (30) is accessible through a small access hole (attached figure 2) in the exterior viewable surface of the visible facing object (24) extending part way into the body thereof, a larger access hole (attached figure 2) is the interior hidden surface of the visible facing object (24) which is axially concentric with the smaller access hole (attached figure 2) and extends into the body of the object from the interior surface thereof until it connects with the small access hole (figure 2), and opening (60) in the supporting structure (18), a rivet nut screw (50) having a head received in the larger access hole (see attached figure 2), a tube (42) surrounding the rivet nut screw (50) and extending between the rivet nut in its as made condition and the base of the larger access hole (attached figure 2), the size of the access hole (at 42) being slightly larger than the diameter of the head of the rivet nut screw (figure 3), the screw having means aligned with the small access hole to receive a tool (wrench – column 3, lines 28-31).

Eickhof does not disclose an access hole in the faceplate, the hole is located in a design on the visible surface, the design on the surface is linear and the hole is the size of the linear design, and the hole is twice the thickness of the wall of the tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an access hole in the faceplate, since it has been held that rearranging parts of an invention involves only routine skill in the art. Regarding the design in the visible surface, it would have been an obvious matter of design choice to provide a linear design in the visible surface, with a hole the size of the linear design, since

applicant has not disclosed that this linear design solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well as within the reference cited. Regarding the hole being twice the thickness of the wall, it would have been an obvious matter of design choice to provide a larger hole, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Claims 9-11 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eickhof in view of Amis, US patent # 6,477,923.

Eickhof discloses the claimed invention as stated above in claim 1, including the steps of snugly securing the object (24) to the supporting structure (18), dis-assembling the object from the fastening means (column 1, lines 52-53 and column 2, lines 14-16), and tightly securing the object (24) to the supporting structure (18, by wrench – column 3, lines 28-31 and figure 2).

Eickhof does not disclose the aligned means in the screw head is a torx socket, the tool is a non-standard torx screwdriver, the torx socket in the screw head is of a size different from the size of a standard torx socket, the size of the head of the torx screwdriver is different from a standard torx screwdriver head, the size of the torx socket in the head of the rivet nut screw and the size of the head of the torx screwdriver are intermediate standard torx sizes, access aperture. Amis teaches that is known in the art to provide the aligned means (45) in the screw head (40) is a torx socket (at 61), the tool is a non-standard torx screwdriver (22), the torx socket in the screw head (40) is

of a size different from the size of a standard torx socket (shown by 45 and 96), the size of the head of the torx screwdriver (61) is different from a standard torx screwdriver head (shown by 63 and 90), the size of the torx socket in the head of the rivet nut screw (24) and the size of the head of the torx screwdriver (22) are intermediate standard torx sizes (shown by figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the torx socket and screwdriver as taught by Amis with the system of Eickhof in order to facilitate a uniform distribution of torque about the perimeter of the fastener (column 3, lines 31-34) and in order to provide maximum strength surface area and operability (column 6, lines 62-64).

#### ***Allowable Subject Matter***

Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

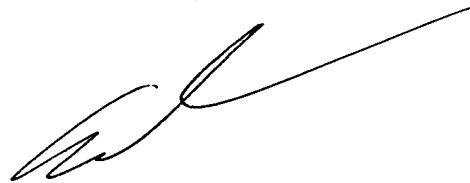


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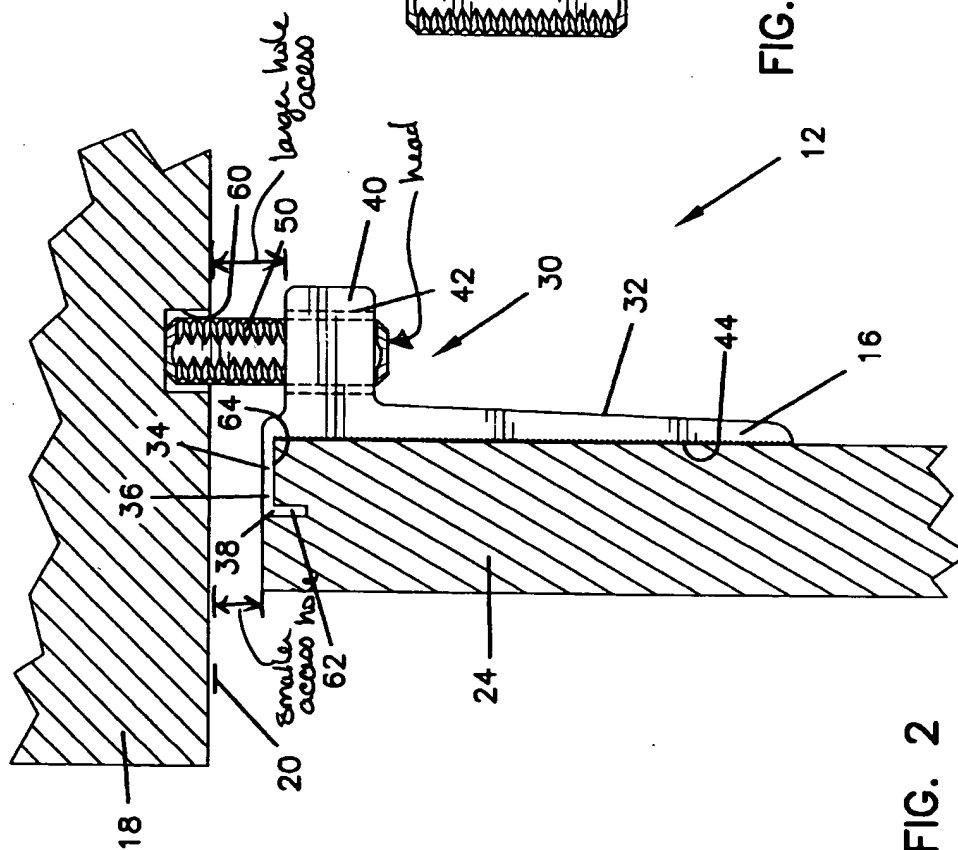
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Cg

March 15, 2005



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600



**FIG. 2**

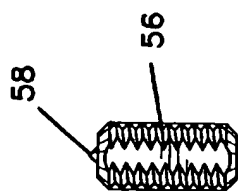
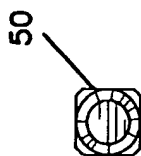


Fig. 9



**FIG. 8**

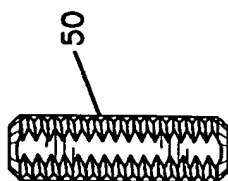


FIG. 7